

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1475 OF 2017
IN
WRIT PETITION NO.6530 OF 2016
WITH
WRIT PETITION NO.6530 OF 2016**

Mr.Hemantkumar Vishwasrao Barawade & Ors. .. Applicant

IN THE MATTER BETWEEN

Mrs.Archana Rajendra Pawar .. Petitioner

vs.

Mr.Hemantkumar Vishwasrao Barawade & Ors. .. Respondents

Mr.Rahul Kulkarni i/b Mr.Abhay A. Shinde for the applicant/petitioner

Mr.S.D.Rayrikar, A.G.P for the respondent nos.2 to 4

Mr.R.N.Gite for the respondent no.1 in Civil Application and for petitioner in Writ Petition

CORAM : K. K. TATED, J.

DATE : JULY 17, 2017

PC.:

1. Heard the learned counsel for the parties.
2. This application is preferred by respondent no.1 for vacating the ad-interim relief granted by this court on 2.8.2016 in terms of prayer clause (d) of Writ Petition No.6530 of 2016. He submits that he

received instruction from his client that they have no objection if the ad-interim order granted by this court be continued till the hearing and final disposal of Gram Panchayat Appeal No.1 of 2016 pending before the Additional Commissioner, Pune under section 16 of the Maharashtra Gram Panchayat Rules, 1958. He submits that elections are due in October, 2017 whereas the Appeal before Divisional Commissioner is posted for hearing on 15.9.2017.

3. Considering the submissions made by the learned counsel for the Applicant in Civil Application and by consent of both the parties i.e. advocate for petitioner and respondent, Writ Petition No.6530 of 2016 is taken on board for hearing.

4. By this petition, petitioner is challenging the order dated 5.4.2016 passed by learned Additional Commissioner Pune Division, Pune in Gram Panchayat No.1 of 2016 declining to grant ad-interim relief to stay the order dated 6.2.2016 passed by learned Additional Collector, Sangli in GP/Appeal/SR/31/2015.

5. Considering the submissions made by the learned counsel for the respondent no.1 and as next election is due in October 2017, in the interest of Justice of both the parties, following order is passed:

a) The Additional Commissioner at Pune is directed to decide Gram Panchayat Appeal No.1 of 2016 filed by the petitioner under section 16 of the Maharashtra Village Panchayat Act, 1958 as early as possible but in any case on or before 18.8.2017.

- b) Till the hearing and final disposal of Gram Panchayat Appeal No.1 of 2016, ad-interim relief granted by this court on 2.8.2016 to continue i.e. “stay of operation and implementation of judgment and order dated 6.2.2016 passed by learned Additional Collector, Sangli in GP/Appeal/SR/31/2015 to continue”.
- c) Liberty granted to both the parties if they so desire to file their additional pleadings if any with copy to other side on or before 24.7.2017.
- d) Both the parties to remain present before the Divisional Commissioner at Pune for fixing further date of hearing on 28.7.2017 at 11 a.m.
- e) Both the parties are directed not to apply for adjournment and try to decide the appeal as early as possible.
- f) Civil Application as well as Writ Petition stands disposed of accordingly.
- g) No order as to costs.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)